

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

BEN & JERRY'S HOMEMADE, INC.,  
CLASS I DIRECTORS OF BEN & JERRY'S  
INDEPENDENT BOARD,

Plaintiffs,

v.

UNILEVER PLC and CONOPCO, INC.,

Defendants.

Case No. 1:24-cv-08641-PKC

**DECLARATION OF DAVID J. LENDER IN SUPPORT OF DEFENDANTS UNILEVER  
PLC'S AND CONOPCO, INC.'S MOTION TO DISMISS PLAINTIFFS' SECOND  
AMENDED COMPLAINT**

I, David J. Lender, declare under penalty of perjury as follows:

1. I am an attorney admitted to practice before the Courts of the State of New York and the U.S. District Court for the Southern District of New York, and a partner at the law firm of Weil, Gotshal & Manges LLP, attorneys for Defendants Unilever PLC and Conopco, Inc. ("Defendants").

2. I am familiar with the facts, circumstances, and proceedings in this case and submit this Declaration in Support of Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint.

3. Attached hereto as Exhibit A is a true and correct copy of Madeline Speed, *Ben & Jerry's says chief ousted by Unilever over political activism*, Financial Times (Mar. 18, 2025).

4. Attached hereto as Exhibit B is a true and correct copy of the Shareholders Agreement between Conopco, Inc. and Ben & Jerry's Homemade, Inc., dated August 3, 2000.

5. Attached hereto as Exhibit C is a true and correct copy of email correspondence between Ben & Jerry's Board Chair, Anuradha Mittal; Ben & Jerry's Finance Director, Michael Graining; and Ben & Jerry's Former CEO, Dave Stever dated June 25, 2024, October 1, 2024, and January 2, 2025 regarding confirmation of payment to Canaan Fair Trade.

6. Attached hereto as Exhibit D is a true and correct copy of the Arbitration Award dated March 27, 2024 in the matter of *Class I Directors of Ben & Jerry's Board of Directors v. Unilever PLC, Conopco, Inc., and Ben & Jerry's Homemade, Inc.*

7. Attached hereto as Exhibit E is a true and correct copy of Madeleine Speed, *Ben & Jerry's calls for permanent ceasefire in Gaza*, Financial Times (Jan. 16, 2024).

8. Attached hereto as Exhibit F is a true and correct copy of an email from Ben & Jerry's Former CEO, Dave Stever to Ben & Jerry's employees dated March 31, 2025 regarding his resignation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This declaration was executed this 25<sup>th</sup> day of April 2025 in New York, New York.

/s/ David J. Lender  
David J. Lender